

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

REHAN SHEIKH,) C-07-00262 RMW
)
 PLAINTIFF,) SAN JOSE, CALIFORNIA
)
 VS.) JUNE 8, 2007
)
 CISCO SYSTEMS, INC., AND) PAGES 1-9
 DOES 1 THROUGH 20,)
 INCLUSIVE,)
)
 DEFENDANT.)
)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S :

FOR THE PLAINTIFF: REHAN AYYUB SHEIKH
IN PROPRIA PERSONA
P.O. BOX 869
FRENCH CAMP, CALIFORNIA 95231

FOR THE DEFENDANT: LITTLER MENDELSON
BY: MARLENE S. MURACO
50 WEST SAN FERNANDO STREET
15TH FLOOR
SAN JOSE, CALIFORNIA 95113

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

1 SAN JOSE, CALIFORNIA JUNE 8, 2007
2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENED AND THE
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE CLERK: NEXT MATTER, C-07-00262,
6 REHAN SHEIKH VERSUS CISCO SYSTEMS, ON FOR
7 PLAINTIFF'S MOTION FOR REMAND.

8 MS. MURACO: GOOD MORNING, YOUR HONOR.
9 MARLENE MURACO FOR CISCO SYSTEMS.

10 THE COURT: GOOD MORNING.

11 MR. SHEIKH: GOOD MORNING, YOUR HONOR.
12 MY NAME IS REHAN SHEIKH. I'M THE PLAINTIFF.

13 THE COURT: OKAY. IT SEEMS TO ME THAT
14 ALTHOUGH THERE'S BEEN AN ATTEMPT TO LIMIT THIS TO
15 PURELY STATE CLAIMS, THERE IS A CLAIM FOR FAILURE
16 TO PAY BENEFITS UNDER THE ERISA PLAN AND,
17 THEREFORE, I THINK THERE'S A BASIS FOR KEEPING THE
18 MATTER IN FEDERAL COURT.

19 SO THAT'S WHERE I AM. I'D BE HAPPY TO
20 HEAR BRIEF COMMENTS IF YOU WANT TO MAKE ANY.

21 MR. SHEIKH: YES, YOUR HONOR.
22 MY CLAIM IS FOR -- ABOUT RETALIATION.
23 CISCO SYSTEMS RETALIATED AGAINST ME AFTER I FILED A
24 DISCRIMINATION COMPLAINT, AND I LOST ALL MY
25 BENEFITS, INCLUDING LONG-TERM DISABILITY BENEFITS.

1 AS FAR AS THIS CLAIM IS CONCERNED, RIGHT
2 NOW MY DISABILITY BENEFITS, MY LONG-TERM DISABILITY
3 BENEFITS ARE UNDER TERMINATION BY THE INSURANCE
4 CARRIER.

5 THE COURT: ARE WHAT? I'M SORRY.

6 MR. SHEIKH: BY THE INSURANCE CARRIER.

7 THE COURT: WHAT DID YOU SAY BEFORE THAT?

8 MR. SHEIKH: THEY ARE IN THE PROCESS OF
9 REASSESSMENT.

10 THE COURT: OKAY.

11 MR. SHEIKH: SORRY. I DEVELOPED SOME
12 DISABILITY. IT MAKES IT DIFFICULT TO SPEAK
13 FLUENTLY.

14 THE COURT: THAT'S ALL RIGHT.

15 MR. SHEIKH: AND UNDER THE DEPARTMENT OF
16 INSURANCE OF CALIFORNIA, THEY HAD AN ARGUMENT WITH
17 THE INSURANCE AGENCY AND UNDER THAT, THEY WILL
18 REVIEW ALL THE CASES THAT WERE DENIED FOR THE LAST
19 SEVERAL YEARS, AND MY CLAIM IS ONE OF THEM.

20 SO I ACTUALLY HAVE A LETTER THAT IS FROM
21 THE INSURANCE COMPANY THAT SHOWS THAT THEY ARE
22 EVALUATING MY CLAIM FOR THE TERMINATION OF
23 BENEFITS, AND THIS CLAIM IS PURELY BECAUSE OF
24 RETALIATION AND THEIR FAILURE TO ACCOMMODATE ME
25 AFTER I TRIED TO JOIN AFTER MY DISABILITY.

1 THE COURT: ALL RIGHT. I UNDERSTAND YOU
2 HAVE A CLAIM FOR RETALIATION.

3 BUT YOU'RE ALSO CLAIMING THAT YOU DIDN'T
4 GET BENEFITS THAT WERE DUE UNDER THE SHORT-TERM AND
5 LONG-TERM DISABILITY POLICY?

6 MR. SHEIKH: YES, THAT'S TRUE. MY
7 SHORT-TERM DISABILITY BENEFITS, I HAD TO GO TO THE
8 ADMINISTRATIVE JUDGE AND I WAS AWARDED THOSE
9 BENEFITS.

10 I HAVE A CLAIM FOR WORKERS' COMPENSATION
11 BENEFITS, WHICH IS WHERE I AM REPRESENTED BY A
12 COUNSEL.

13 AND I AM ALSO WORKING WITH THE INSURANCE
14 COMPANY TO GET MY LTD BENEFITS.

15 THE COURT: RIGHT. BUT YOU'RE MAKING A
16 CLAIM FOR LONG-TERM DISABILITY BENEFITS IN THIS
17 ACTION?

18 MR. SHEIKH: NO, YOUR HONOR. I AM SAYING
19 THAT I DID NOT GET ALL THOSE BENEFITS BECAUSE THEY
20 RETALIATED AGAINST ME.

21 THE COURT: RIGHT.

22 MR. SHEIKH: AND THIS CLAIM IS NOT FOR
23 THE TERMINATION OF MY BENEFITS.

24 IT IS RATHER THAT THEY COMPLETED THE
25 CONTRACTED OBLIGATIONS TO HELP ME IN PROCESSING OF

1 THOSE BENEFITS.

2 THE COURT: OKAY. THANK YOU.

3 ANYTHING FURTHER?

4 MS. MURACO: NO, YOUR HONOR.

5 THE COURT: ALL RIGHT. THE MATTER WILL
6 BE SUBMITTED. I'LL SEND OUT AN ORDER.

7 BUT I AM GOING TO KEEP THE CASE HERE AS
8 THE COMPLAINT NOW STANDS.

9 MS. MURACO: THANK YOU.

10 THE COURT: THANK YOU.

11 THE CLERK: YOU HAVE A CMC?

12 MS. MURACO: WE DO.

13 THE COURT: DO YOU WANT TO DO THAT NOW?

14 MS. MURACO: I WOULD.

15 THE COURT: OKAY. LET ME GO GET THE
16 REMAINDER OF THE FILE.

17 MS. MURACO: THANK YOU.

18 (PAUSE IN PROCEEDINGS.)

19 THE COURT: MR. SHEIKH, AM I PRONOUNCING
20 YOUR NAME CORRECTLY?

21 MR. SHEIKH: YES, SIR.

22 THE COURT: YOU'RE FILING AN AMENDED
23 COMPLAINT?

24 MR. SHEIKH: YES. I COMMUNICATED WITH
25 THE COUNSEL I HAD SOME OTHER CLAIMS THAT I WANTED

1 TO BRING UP, AND I FILED IT IN FEDERAL COURT, AS
2 WELL AS STATE COURT, BECAUSE THE STATUTE WAS
3 RUNNING OUT.

4 THE COURT: OKAY. HAVE YOU SEEN THE
5 AMENDED COMPLAINT?

6 MS. MURACO: I DO HAVE A COPY OF IT, YES.

7 THE COURT: YOU HAVE NOT ANSWERED THE
8 ORIGINAL COMPLAINT?

9 MS. MURACO: I DID ANSWER IN STATE COURT.

10 THE COURT: OKAY. WHAT'S YOUR POSITION
11 WITH RESPECT TO THE AMENDED COMPLAINT? DO YOU --

12 MS. MURACO: I HAD NOT -- I HAVE HAD
13 CONVERSATIONS WITH MR. SHEIKH ABOUT -- MR. SHEIKH,
14 I'M SORRY.

15 MR. SHEIKH: THANK YOU.

16 MS. MURACO: -- ABOUT FILING AN AMENDED
17 COMPLAINT, AND HE HAD ORIGINALLY ASKED TO ADD
18 CLAIMS FOR DISABILITY DISCRIMINATION AND FAILURE
19 ACCOMMODATE, AND I STIPULATED TO THAT.

20 AND THEN HE WENT AHEAD AND FILED A
21 COMPLAINT THAT WENT BEYOND THAT.

22 SO I HAVEN'T -- AND I JUST GOT IT ON
23 FRIDAY, OR WHATEVER IT WAS.

24 THE COURT: I GUESS MY QUESTION IS, ARE
25 YOU --

1 MS. MURACO: AM I GOING TO OBJECT?

2 THE COURT: YOU'RE GOING TO OBJECT TO AN
3 AMENDED COMPLAINT?

4 MS. MURACO: PROBABLY NOT, YOUR HONOR.

5 THE COURT: OKAY. DO YOU WANT TO GO
6 AHEAD AND SCHEDULE THE CASE NOW, OR DO YOU WANT TO
7 WAIT AND SEE WHAT YOU ARE GOING TO DO WITH RESPECT
8 TO THE AMENDED COMPLAINT?

9 MS. MURACO: I WOULD RATHER DO THAT.

10 THE COURT: OKAY. SO YOUR ANSWER IS DUE
11 ON -- OR YOUR RESPONSE IS DUE IN ABOUT THREE WEEKS,
12 20 DAYS, I GUESS, FROM WHEN IT WAS SERVED.

13 MS. MURACO: I THINK IT'S 15 DAYS FOR AN
14 AMENDED COMPLAINT. I'LL TAKE 20. IT WAS SERVED ON
15 ME ON FRIDAY, I BELIEVE.

16 THE COURT: FRANKLY, I DON'T REMEMBER. I
17 THOUGHT IT WAS 20, BUT YOU MIGHT BE RIGHT.

18 MS. MURACO: I'LL DOUBLE-CHECK.

19 THE COURT: SO YOU WANT A CASE MANAGEMENT
20 CONFERENCE AFTER YOU'VE REVIEWED THE AMENDED
21 COMPLAINT, SO ABOUT 30 DAYS FROM NOW?

22 MS. MURACO: THAT WOULD BE GREAT.

23 THE COURT: IS THAT ALL RIGHT WITH YOU?

24 MR. SHEIKH: THAT WOULD BE OKAY, YOUR
25 HONOR.

1 THE COURT: OKAY. YOU WANT TO SET THEM A
2 DATE 30 DAYS OUT?

3 THE CLERK: HOW ABOUT THE 6TH OF JULY, OR
4 THE 13TH?

5 MS. MURACO: I BELIEVE THE 6TH IS FINE.

6 THE COURT: IS THAT ALL RIGHT WITH YOU?

7 MR. SHEIKH: WHAT DAY IS THAT?

8 THE CLERK: THAT'S A FRIDAY.

9 MR. SHEIKH: HOW ABOUT THE 13TH?

10 THE CLERK: I'M SORRY?

11 MR. SHEIKH: HOW ABOUT THE 13TH?

12 THE COURT: THE 13TH IS FINE. SO THE
13 13TH AT 10:30.

14 MR. SHEIKH: YES, THAT WORKS.

15 THE COURT: OKAY. AND ARE YOU GOING TO
16 BE GETTING REPRESENTATION BY AN ATTORNEY, OR NOT?

17 MR. SHEIKH: AT THIS TIME I'M
18 REPRESENTING MYSELF. I WILL SEE WHAT OPTIONS I
19 WILL HAVE.

20 THE COURT: OKAY. BECAUSE IF YOU'RE
21 GOING TO BE REPRESENTED BY AN ATTORNEY, IT WOULD BE
22 VERY HELPFUL TO HAVE HIM OR HER HERE ON THE 13TH.

23 MR. SHEIKH: OKAY.

24 THE COURT: OKAY. THANK YOU.

25 MR. SHEIKH: THANK YOU.

1 MS. MURACO: THANK YOU.

2 (WHEREUPON, THE PROCEEDINGS IN THIS
3 MATTER WERE CONCLUDED.)

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